

14-43. Planning and Implementing Off-Site Response Actions (1200 TN 540 14-43)

1. AUTHORITY. Pursuant to Section 121(d)(3) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9621(d)(3), and in accordance with 40 CFR 300.440, the authority to:

- a. To determine the acceptability, and continued acceptability, of any facility being considered for the off-site treatment, storage, or disposal of CERCLA waste (40 CFR § 300.440(b)(1));
- b. To Issue an initial determination of unacceptability if a facility does not satisfy the criteria for releases and relevant violations, notify the facility owner or operator of the initial determination of unacceptability, and notify the responsible agency in the State in which the facility is located of the unacceptability (40 CFR § 300.440(d)(1));
- c. To shorten, or eliminate the 60-day review period in extraordinary circumstances, and notify the facility owner or operator of the date of unacceptability (40 CFR §300.440(d)(9));
- d. To provide for, and conduct, an informal conference if requested by the owner or operator of a facility in receipt of an initial determination of unacceptability (40 CFR §300.440(d)(4));
- e. To decide if the information provided either at the informal conference or in written comments is sufficient to show that a determination of acceptability would be appropriate (40 CFR § 300.440(d)(6));
- f. To extend the 60-day review period if more time is required to review the submission, and notify the facility owner or operator of the extension (40 CFR § 300.440(d)(8)); and
- g. To reconsider an initial determination of unacceptability for a facility and notify the facility owner or operator of the decision (40 CFR § 300.440(d)(7)).

2. TO WHOM DELEGATED.

- a. The authorities in 1.a. through 1.g. above are delegated to the Director, Land, Chemicals and Redevelopment Division (LCRD).
- b. The authorities in 1.a. and 1.d. above are delegated to the Chief, RCRA Programs Branch, LCRD; and the Regional Off-Site Contact (ROC).
- c. The authorities in 1.b. above are delegated to the Chief, RCRA Programs Branch, LCRD.

14-43. Planning and Implementing Off-Site Response Actions, (continued)**3. LIMITATIONS.**

- a. The delegates shall obtain the concurrence of the Regional Counsel or his/her designee before issuing an initial determination of unacceptability under 1.b., above.
- b. If the initial determination of unacceptability also includes a decision to shorten or eliminate the 60- day review period, the Director, LCRD, shall issue both the initial determination of unacceptability and the decision to shorten or eliminate the 60-day review period, after first obtaining the concurrence of the Regional Counsel or his/her designee.

4. REDELEGATION AUTHORITY.

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Executive Order 12580, Superfund Implementation, January 23, 1987.
- b. Executive Order 13016, August 28, 1996.

6. SUPERSESSION. Delegations Manual, CERCLA, Regional Delegation 14-43. Planning and Implementing Off-Site Response Actions. 1200 TN RIII 153, (July 22, 2002).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator